JAVIER PÉREZ DE CUÉLLAR

REPORT OF THE SECRETARY-GENERAL ON THE WORK OF THE ORGANIZATION

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I

THIS HAS BEEN another year in a series marking a great turning-point in history. Indeed, as this report is being written, events are changing the political map of a good part of the northern Eurasian land mass. The wave of democracy is surging in diverse other places as well. Intense yearnings for self-determination are in increasing display. It will be some time before a settled shape comes into view.

The causes of the transformation of the global scene, under way since 1985, are beyond the compass of this report. One of its direct effects, however, has been the end of the long season of stagnation for the United Nations. We can derive satisfaction from the fact that at no point in this time of tumult has the United Nations failed to keep pace with historic change. But the concern that the principles of its Charter should govern the emerging international order continues and is accentuated by all current developments.

The renaissance of the Organization has reflected a qualitative change in attitudes and perceptions. It is the outcome of the active cooperation of Member States and of long preparation and intense effort by the Secretariat despite discouragements. It originated several years ago when opportunities for peace-making began to be discerned in a changing international climate. The contrast between the position I am stating now and what I recorded in my first annual report is all too clear.

II

IN 1982, I spoke of the erosion of the authority and status of the United Nations and the inaction of the Security Council in the face of conflicts. Fearing international anarchy, I suggested a number of ways in which the Council and the Secretary-General might become more

effective in keeping the peace. At first, the results were discouraging. However, a slow but meticulous process of institutional self-analysis was set in train. A re-examination of the Security Council's role and procedures was accompanied by agreement in the General Assembly on the manner in which the Organization's budget should be adopted by consensus. A major, even if by its nature incomplete, effort was commenced to streamline the Secretariat so as to adapt it to the requirements of the period ahead. These, and other intermediate moves, spread over five years, indicated a concern that went beyond purely organizational issues. They reflected an urge to end a period of drift. A renewed focus on the Organization's working corresponded to a sense of the deeper stirrings for change in the world. With the end of the cold war, the measures I had suggested in 1982 have mostly become, as I had hoped, commonplace and routine.

In January 1987, I urged the Security Council to find ways of working collectively to resolve some of the issues that had stayed on its agenda for years. What followed is now a matter of general public awareness. A remarkable coordination developed between the work of the Security Council and the Secretary-General. The adoption of a plan for the termination of the war between Iran and Iraq, the conclusion of the Geneva Accords followed by the withdrawal of the forces of the Soviet Union from Afghanistan and the bringing to independence of Namibia were among the major fruits of this rejuvenation of the United Nations. Steady progress was also maintained with regard to the situations in Western Sahara, Cambodia, Central America and elsewhere.

None of these accomplishments was a matter merely of diplomatic ingenuity; all required, or will require, complex operations in the field, duly authorized by the competent organs, which go far beyond the earlier, innovative and highly useful concept of peace-keeping by the United Nations. As against 13 operations launched all through 43 years, 5 were mounted in 1988 and 1989, and 4 during the period under review. The mandates of these operations are set out in the relevant resolutions; their results are dealt with in my reports. Here I will only mention that never before in the history of the Organization were so many new insights gained about the varied tasks of keeping, making or building the peace in areas riven or threatened by conflict. Never before were such precedents set as has been done, in different ways, in Namibia, Haiti, Angola, Nicaragua and now, most notably, in Central America, particularly El Salvador. Indeed, today, the Organization is conducting some missions that were unthinkable in the previous era.

All these operations, in one way or another, relate to the implementation of plans negotiated in detail with the parties concerned with the active participation of the Secretary-General. They have a wide range.

To take two that have already concluded, the one in Namibia leading the country to independence and the other, the election observer mission, with a complementary military undertaking, in Nicaragua helped end situations of dangerous strife. Two other operations that have achieved their purpose are the observer mission along the Iran-Iraq border and the monitoring of the departure of foreign troops from Angola. The election observer mission in Haiti, with its security component, set an example of the undertaking by the United Nations, with appropriate legislative backing, of the impartial supervision of national elections in a situation with possible international repercussions. The mission in Western Sahara relates to a referendum about the future status of the Territory. The expected one in Cambodia will provide the supportive structure for the project of national reconciliation after years of fighting. The second mission in Angola launched this year supervises the cease-fire between the formerly warring parties. The mission in El Salvador has, for the present, the innovative task of monitoring human rights on a long-term, nationwide basis. United Nations personnel drawn from the programmes and the agencies, together with civilian guards, have been deployed to further humanitarian assistance to all of the people of Iraq, including notably the Kurds. To a large extent, the purpose of my mission in Afghanistan and Pakistan has changed since the Geneva Accords, as has the role of my mission in Iran and Iraq since the completion of the withdrawal of forces to the internationally recognized boundaries. Nevertheless, these missions represent a significant evolution in the role of the United Nations in areas relating to international security.

Alongside these new operations, older peace-keeping missions are being maintained. In Cyprus, a United Nations force separates the parties while progress is made in negotiations toward an overall settlement. In Central America, an observer mission maintains supervision of adherence to undertakings made by five Central American countries under the Esquipulas II Agreement. In the Middle East, the United Nations Truce Supervision Organization in Palestine, the United Nations Interim Force in Lebanon and the United Nations Disengagement Observer Force continue to contribute an important element of stability in the region, while the United Nations Military Observer Group in India and Pakistan is stationed in Kashmir to supervise the cease-fire.

In addition to manning all these ramparts of peace, the Secretariat is now engaged in tasks of a complexity and scope untried before to secure the implementation of the decisions of the Security Council relating to the Iraq-Kuwait situation. Only one of them, the military observation mission, conforms to the traditional pattern of peace-keeping. Others that follow from the Council's decisions under Chapter VII of the Charter include the demarcation of the boundary between Iraq and

Kuwait through the mechanism of a commission, the elimination of Iraq's mass destruction capability through an effort involving a special commission and the International Atomic Energy Agency, the management of a compensation fund, arranging the return of all Kuwaiti property seized by Iraq and the discharge of onerous tasks deriving from Security Council resolution 706 (1991). These are breaking new ground in international experience and the responsibilities of the Secretariat.

Activity, not argument, has thus answered two questions about the Organization that troubled the public mind through most of its existence: one, whether it could ever muster the power to repair breaches of the peace and reverse acts of aggression; two, whether the Secretariat would be able to execute the increasingly versatile projects of peace. The answers are affirmative. The effectiveness of the United Nations can no longer be in doubt. It is a fact of no small significance that world leaders assembled at three recent summit conferences in London, Abuja and Guadalajara issued declarations recognizing the central place of the United Nations in the international system and solemnly affirmed their reliance on it. At totally different planes of international life as well, the United Nations is being increasingly looked upon as a trusted intermediary.

Against this background of a near-universal harmony of view, some discordant notes, however, are still audible. One is the persistence of the trend, even if now in lesser degree, not to avail of the machinery of the United Nations to resolve certain important issues, including some relating to areas of incipient or potential conflict. The other is the pronounced contrast between the tasks imposed on the Organization and the resources provided to it. The dynamism and liberality of vision hardly accords with the indigence to which the Organization has been financially reduced.

III

LOOKING BEYOND the Organization itself to the world situation, we witness a unique juxtaposition of promise and perils. The promise is expansive and the perils only partly perceived. The extinction of the bipolarity associated with the cold war has no doubt removed the factor that virtually immobilized international relations over four decades. It has cured the Security Council's paralysis and helped immensely in resolving some regional conflicts. By itself, however, it does not guarantee a just and lasting peace for the world's peoples. We still see a dappled international landscape, with large spots of threatened trouble and incipient conflict.

It is unnecessary to mention in detail the specific situations that are reviewed in my reports to the Security Council and the General Assembly and on which I shall have occasion to offer my suggestions and comments in the coming weeks. As the earlier account of United Nations field operations shows, peace is being guarded or built in a number of situations. Not all the situations of danger to the peace, however, figure currently on the active agenda of the United Nations. The reasons vary from the use of an alternative peace process to the inability or unwillingness of one or more of the parties concerned to refer the matter to the United Nations. This does not in any way detract from the seriousness of these situations nor diminish the acute suffering of the people most directly affected.

A new factor in the international situation has been introduced by the manifold difficulties of transition in a good part of the northern Eurasian landmass. The way in which this transition is handled by leadership both inside and outside that vast region is certain to have far-reaching implications for the emerging international order as a whole. Indeed, statesmanship of the highest order is required for civil strife to be avoided, for crises to be resolved by peaceful means, for minorities to be securely protected, for human rights to be upheld and for dangerous repercussions on international relations to be averted.

A volatile world situation is certain to contain multiple sources of conflict. It would be unrealistic to suppose that all of them can be dissolved by multilateral action. However, the United Nations, if supported by the generality of its membership, can help purge international relations of the lethal elements that lead to violent hostility between States or cause a pervasive sense of insecurity. There is no magical formula for it: the only available course is that of organizing international life on a stable basis in accordance with principles clearly understood, generally accepted and consistently applied. The principles are those articulated in the Charter of the United Nations.

The performance and capacity of the United Nations provide a crucial element in this process and the greatest effort must be made to improve them. The areas on which I propose to focus are the maintenance of international peace and security with justice, the protection of human rights and the treatment of global problems, including the level of armaments, the persistence of widespread poverty, the deterioration of the environment and the proliferation of social evils like drug trafficking and crime. All these impinge on the development of international legal norms and practices. The areas overlap to some extent and I shall deal with them only to the extent that new perspectives have been opened by recent developments.

IV

DURING THE PERIOD under review, the Security Council took action of extraordinary consequence to reverse the invasion of Kuwait by Iraq and to deter aggression in future. The considerations that arise from some of the aspects of this action are plainly central to the maintenance of international peace and security. I believe they will need to be carefully borne in mind in future.

Once the invasion occurred, the response of the Security Council was not only swift but systematic; in adopting 14 resolutions regarding the situation, the Council followed a step-by-step and considered approach to the use of its powers under Chapter VII of the Charter. Far from acting in haste, the Council afforded ample time—from 2 August 1990 to 15 January 1991—for the Government of Iraq to comply with the Council's demand. It was only when all warnings—including my own pleadings to Iraq to correct a manifest wrong — went unheeded and all friendly advice was rejected that armed force was finally employed to restore the independence of Kuwait. This is the factual side of that fateful occurrence, which no balanced assessment, now or in the future, can ignore.

Another important aspect is that the enforcement action was not carried out exactly in the form foreseen by Articles 42 *et sequentia* of Chapter VII. Instead, the Council authorized the use of force on a national and coalition basis. In the circumstances and given the costs imposed and capabilities demanded by modern warfare, the arrangement seemed unavoidable. However, the experience of operations in the Gulf suggests the need for a collective reflection on questions relating to the future use of the powers vested in the Security Council under Chapter VII.

In order to preclude controversy, these questions should include the mechanisms required for the Council to satisfy itself that the rule of proportionality in the employment of armed force is observed and the rules of humanitarian law applicable in armed conflicts are complied with. Moreover, careful thought will have to be given to ensuring that the application of Chapter VII measures is not perceived to be overextended. In today's conditions of economic interdependence, the effect of the imposition of comprehensive economic sanctions on third States that are economic partners of the offender State requires that Article 50 of the Charter be supplemented by appropriate agreements creating obligations to assist concretely the disadvantaged third State or States. The human effect of sanctions on the population of an offending State, if it lacks the political means to bring about a reversal of the policy that gives rise to the offence, will also need to be carefully borne in mind. As I stated at meetings of the Security Council, enforcement is a collective engagement, which requires a discipline all its own.

V

THE HOSTILITIES in the Gulf have made it agonizingly clear that the devastation of two States, with untold loss of innocent lives, appalling dangers to public health, damage to the environment and immense suffering of millions, represented a startling failure of collective diplomacy. In the aftermath of these hostilities, therefore, a renewed emphasis is rightly being placed on the need for preventive diplomacy.

In my previous annual reports, I have, time and again, dwelt on what preventive diplomacy by the United Nations requires. The main problem today is the same as before: the lack of means at the disposal of the United Nations to maintain an impartial and effective global watch over situations of potential or incipient conflict. Preventive diplomacy presupposes early warning capacity, which, in turn, implies a reliable and independently acquired database. At present, the pool of information available to the Secretary-General is wholly inadequate. Lacking access to the technological means, such as space-based and other technical surveillance systems, and without field representation commensurate with need, it is hard to visualize how the Secretariat can monitor potential conflict situations from a clearly impartial standpoint. A modest beginning has been made in this regard during the last four years with the establishment of political offices of the Secretary-General in Kabul and Islamabad, and more recently in Tehran and Baghdad. Work of that nature seems to be indispensable if we wish to develop the preventive capacity available to the Secretary-General. The traditional lack of such ability hinders the use of Article 99 of the Charter, especially in its anticipatory aspect. The Charter does not contemplate that the United Nations should wait for fighting to erupt, for aggression to take place, for violations of human rights to attain massive proportions before it moves to rectify the situation. Too often, the Organization's mediatory or investigative capacity, in situations threatening large-scale conflict, has been kept in reserve while wars have occurred and disputes have festered. There is a complementarity between the Secretary-General being fully equipped with the means presupposed in Article 99 of the Charter and the Security Council (in conformity with the spirit of Article 34) maintaining a peace agenda not confined to items formally inserted at the request of the State or the States concerned. I believe this complementarity can translate preventive diplomacy from a phrase into a working reality.

Conflict control or conflict resolution come under, but are not exactly synonymous with, the pacific settlement of disputes to which the Charter devotes a whole Chapter. The basic assumption of Chapter VI—a point that I repeat for emphasis—is that neither the Security Council

itself nor the Member States of the United Nations will remain passive until a situation of international friction gives rise to a dispute and until the dispute, in turn, leads to belligerency. For the machinery of settlement to work, however, the prime requisite is a radical change in the view that parties to major international disputes take of the role and capabilities of the United Nations in the matter of settling those disputes. Over long years, there has grown a view of the United Nations itself, not only its judicial organ, as a place of litigation that is likely to result in a negative verdict for one or the other party. I believe that we need now actively to foster the perception that, except in cases of action with respect to breaches of the peace or acts of aggression (matters dealt with in Chapter VII), the United Nations is more an instrument of mediation that can help reconcile legitimate claims and interests and achieve just and honourable settlements.

I must stress here that, for itself, the United Nations is not designed to monopolize the peace process. The role of regional arrangements or agencies in pacific settlement of disputes is explicitly recognized in Articles 33 (1) and 52 (2) of the Charter. As long as a credible peace process is in motion as envisaged in these two Articles, there can be no cause for complaint that the United Nations is being bypassed. However, when such a process is not initiated or appears to be interminably suspended or to have clearly failed, then there would be little reason why recourse to the United Nations should still be avoided. Recognizing the central part of the United Nations in the international system should be more than theoretical.

In this context, it is important also to recall that Article 52 (1) of the Charter requires activities of regional arrangements or agencies to be consistent with the purposes and principles of the United Nations. That provision has become more pertinent in today's interdependent world, in which major developments in one region have inevitable repercussions in another. The efforts of a resurgent regionalism should, therefore, complement rather than compete with or complicate those of the United Nations. This requires a working relationship based on mutual rapport between the United Nations and the regional agencies. Otherwise, the incoherence and fragmentation of the peace effort can impair the machinery of peace.

Another deficiency in the working of the system of collective security is the insufficient use of the principal judicial organ of the United Nations, the International Court of Justice. Many international disputes are justiciable; even those which seem entirely political (such as the Iraq-Kuwait dispute prior to invasion) have a clearly legal component. If, for any reason, the parties fail to refer the matter to the Court, the process of achieving a fair and objectively commendable settlement and thus

defusing an international crisis situation would be facilitated by obtaining the Court's advisory opinion. Article 96 of the Charter authorizes the General Assembly and the Security Council to request such an opinion from the Court. I, therefore, repeat the suggestion I have made before that the extension by the General Assembly of the authority to the Secretary-General would be wholly in accord with the complementary relationship between the three concerned organs of the United Nations, which has grown fruitfully over the years. Such a development would also strengthen the role of the Secretary-General, which is a frequently stated objective of the membership as indicated by statements made at the highest level. This would be an important way of developing international law and legal norms as the basis of the activity of the United Nations and of international relations.

VI

OVER THE YEARS, a certain dichotomy has marked the theme of human rights. This has become more pronounced in recent years. On the one side, there has been legitimate satisfaction at providing the world community with the International Bill of Human Rights, consisting of the Universal Declaration and the two International Covenants, followed by a corpus of other instruments. On the other, there has been dismay at the barbaric realities of the world in which we live, arising from the indiscriminate use of power to brutalize populations into submission. Public opinion now demands emphatically that the gulf between aspiration and fact be narrowed if the former is not to become totally ineffectual.

It would be unfair to belittle the positive accomplishments made so far. Much has been done to lay the foundations of a universal culture of human rights. Procedures have been developed whereby alleged violations are examined and discussed by the Commission on Human Rights and the various bodies established pursuant to the various conventions to monitor their implementation. Moreover, the consciousness of human rights that now pervades the globe has in no small degree been raised by the considerable thought and work that have been devoted to the cause by the United Nations and, under its influence or inspiration, by concerned individuals, non-governmental organizations and the media.

Indeed, the effort to end apartheid in South Africa, sustained over decades, provides lasting testimony of the profound and active concern of the United Nations with eradicating racial segregation and persecution. It will signify attainment of one of the Organization's major goals when the notable progress made so far is consolidated and a post-

apartheid regime based on democratic principles and racial harmony is firmly put in place in that country.

Nevertheless, the fact must be squarely faced that the campaign for the protection of human rights has brought results mostly in conditions of relative normalcy and with responsive Governments. In other conditions, when human wrongs are committed in systematic fashion and on a massive scale—instances are widely dispersed over both time and place—the intergovernmental machinery of the United Nations has often been a helpless witness rather than an effective agent for checking their perpetration.

It would betray a callous or an overly bureaucratic attitude to expect the victims of these horrors to utilize the normal time-consuming procedures and mechanisms that are available for seeking redress. The encouragement of respect for human rights becomes a vacuous claim if human wrongs committed on a major scale are met with lack of timely and commensurate action by the United Nations. To promote human rights means little if it does not mean to defend them when they are most under attack.

I believe that the protection of human rights has now become one of the keystones in the arch of peace. I am also convinced that it now involves more a concerted exertion of international influence and pressure through timely appeal, admonition, remonstrance or condemnation and, in the last resort, an appropriate United Nations presence, than what was regarded as permissible under traditional international law.

It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of States cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity. The fact that, in diverse situations, the United Nations has not been able to prevent atrocities cannot be cited as an argument, legal or moral, against the necessary corrective action, especially where peace is also threatened. Omissions or failures due to a variety of contingent circumstances do not constitute a precedent. The case for not impinging on the sovereignty, territorial integrity and political independence of States is by itself indubitably strong. But it would only be weakened if it were to carry the implication that sovereignty, even in this day and age, includes the right of mass slaughter or of launching systematic campaigns of decimation or forced exodus of civilian populations in the name of controlling civil strife or insurrection. With the heightened international interest in universalizing a regime of human rights, there is a marked and most welcome shift in public attitudes. To try to resist it would be politically as unwise as it is morally indefensible. It should be perceived as not so much a new departure as a more focused awareness of one of the requirements of peace.

I would emphasize that novel doctrines are not only not required on this issue; they can also upset established understandings. It is possible that in the ongoing debate among legal experts and political theoreticians, new concepts may emerge and gain broad acceptance. However, at the intergovernmental level, what the present stage in international affairs demands, in the context of human rights as much as in any other, is not a process of theorizing but a higher degree of cooperation and a combination of common sense and compassion. We need not impale ourselves on the horns of a dilemma between respect for sovereignty and the protection of human rights. The last thing the United Nations needs is a new ideological controversy. What is involved is not the right of intervention but the collective obligation of States to bring relief and redress in human rights emergencies.

It seems to be beyond question that violations of human rights imperil peace, while disregard of the sovereignty of States would spell chaos. The maximum caution needs to be exercised lest the defence of human rights becomes a platform for encroaching on the essential domestic jurisdiction of States and eroding their sovereignty. Nothing would be a surer prescription for anarchy than an abuse of this principle.

Some caveats are, therefore, most necessary at this point. First, like all other basic principles, the principle of protection of human rights cannot be invoked in a particular situation and disregarded in a similar one. To apply it selectively is to debase it. Governments can, and do, expose themselves to charges of deliberate bias; the United Nations cannot. Second, any international action for protecting human rights must be based on a decision taken in accordance with the Charter of the United Nations. It must not be a unilateral act. Third, and relatedly, the consideration of proportionality is of the utmost importance in this respect. Should the scale or manner of international action be out of proportion to the wrong that is reported to have been committed, it is bound to evoke a vehement reaction, which, in the long run, would jeopardize the very rights that were sought to be defended.

VII

ANOTHER PRINCIPAL source of chronic instability is the militarization of human society represented by the level of armaments and military outlays in the world today. The unconscionable waste of resources and energies is only one of its results. Equally deleterious is the obsession with military security, which has corroded international relations and hampered the advance of most developing countries towards stable democratic institutions. The obsession has been as ruinous

in political, cultural and psychological terms as it has been financially costly.

Over the years, however, the cold war overshadowed the whole field of arms limitation and disarmament. The perspectives that have now been opened should enable us to weave collective approaches in this field more tightly into the fabric of peace-making and conflict control. The opportunities now presented to us are not likely to remain open indefinitely.

At the global level, the priorities include a search for new, stabilizing reductions in nuclear weapons, maintaining the regained momentum of support for the Treaty on the Non-Proliferation of Nuclear Weapons, arresting the uncontrolled proliferation of advanced weapons of mass destruction and the relevant technology, a swift conclusion of a convention for the comprehensive prohibition of chemical weapons and strengthening the basic obligations of the Biological Weapons Convention. The challenge that is to be overcome to achieve non-proliferation of weapons of mass destruction is that of devising regimes of verification which will build confidence, safeguard peaceful applications and above all reliably detect non-compliance, wherever and whenever it occurs.

Assuring orderly flows of badly needed technology to developing countries, without leading to weapons proliferation, is an issue of great importance. What is needed is a formula for cooperation involving greater willingness by the industrial countries to meet the needs of developing countries for science and technology for peaceful purposes, coupled with genuine openness among recipients about their end-use.

For several years, I have expressed grave concern over the problem of excessive and destabilizing transfers of conventional armaments. Recent expressions of support for the idea of promoting transparency in the arms trade through a United Nations-based scheme for registration and disclosure are encouraging. If applied fairly to, and worked out in concert by, arms suppliers and recipients alike, a register would foster a climate that is conducive to voluntary restraint and more responsible behaviour. Over the longer term, we must seek to develop fair criteria for multilateral control of arms transfers while at the same time meeting the legitimate security needs of States.

Dismantling the military edifice of the cold war should mean designing a credible architecture for regional security. In this connection, one cannot disregard the existing imbalances and asymmetries within regions that cause recurrent tensions and insecurity. This again shows how difficult it is to detach arms limitation negotiations from the peaceful settlement of international disputes. For its part, the Secretariat has given high priority to organizing regional and interregional meetings as a way

to explore solutions tailored to the distinctive needs of regions and subregions. But only when this dialogue engages the policy makers of States will our aim be realized. The mist of unreality that has hung over discussions of limiting and reducing the level of arms needs to be blown away. That, I believe, is a most impelling call of the present moment in history.

VIII

RISING AFFLUENCE and increasing poverty are a pronounced and paradoxical feature of the present world scene. The world situation offers overwhelming evidence that poverty undermines the cohesion of societies and States, destroys the base of human rights and damages the health of the environment. This major cause of instability needs to be addressed with the same sense of urgency as is evoked by political crises. No system of collective security will remain viable unless workable solutions are sought to the problem of poverty and destitution, afflicting the greater part of the world.

A reinvigoration of the North-South dialogue has now become more urgent than ever. Fortunately, conditions exist now for advancing it constructively without a needless overlay of rhetoric or ideological controversy.

The profound changes in the world economy in recent years have brought prosperity to many parts of the world. However, the position of most of the developing countries within the world economy has been deteriorating for some time. World trade has increased fairly rapidly but not so the exports and imports of developing countries. Foreign direct investment flows have quadrupled in the 1980s but the share of developing countries has fallen sharply. As a result of the debt crisis, the indebted countries as a whole are suffering a net outflow of resources. The external debt of capital-importing countries, which was less than $600 billion in 1988, has reached $1.2 trillion. Income per capita has declined in many parts of the world during the last decade. All this has fed the forces leading to violent strife; it has exacerbated health and ecological problems; it has alarmingly increased the ranks of the poor and the displaced. Over 1 billion people now live in absolute poverty. Nearly 37 million have been uprooted by conflicts. These are the huge areas of blight in the present international landscape and nowhere is the situation more serious than in Africa, on which I have recently reported at some length. It is clear to me that what is needed is a renewal of the commitments arrived at in the compact between African countries and the international community five years ago. There is no greater human and economic imperative than to initiate and implement plans for creating con-

ditions that would allow sustainable development in the entire developing world, especially in Africa.

The reactivation of economic growth and development in poor countries requires a dynamic trading system that allows exports from these countries unrestricted access to markets in the industrial countries, an urgent and bold solution to the problem of indebtedness, an adequate volume of lending from official and multilateral creditors, increased foreign investment flows and enhanced official development assistance as an essential source of concessional finance to the developing countries, particularly the poorest and the least developed. Moreover, a significant increase in the financial resources of the International Monetary Fund, the World Bank and the regional development banks is crucial if these institutions are to effectively support structural adjustment, continue to provide concessional assistance to low-income countries and resources for debt and debt-reduction schemes, and facilitate the economic transformation of countries that are making great efforts to restructure their economies.

It has become apparent that, in order to safeguard the environment, to finance the transition to market economies, to deal with the reconstruction needs of countries in the Gulf region and above all to sustain development efforts in the developing world, substantially increased levels of resources would need to be mobilized. The acceleration in growth could be the most important source for generating resources for investments. A positive factor is the end of the cold war, which offers realistic prospects of releasing the substantial resources for social and economic development that were consumed by military expenditures. With the realization that national security gains strength from economic development, there is a palpable need for the developing countries themselves to reduce the close to $200 billion they spend on arms and, with the necessary financial assistance, to convert military structures and integrate them into the civilian economy. The unique opportunity that is now being presented to the world should be the subject of reasoned discussion and negotiation in the best interests of the global community.

It was with these ideas and problems in mind that I have proposed consideration of the convening of an international conference on the financing of development in order to formulate a coherent response to the challenge. Benefiting from the preparatory work and the agreements reached at both the eighth session of the United Nations Conference on Trade and Development and the United Nations Conference on Environment and Development, the conference could devise agreed ways to ensure that developing countries and others that are striving to integrate their economies into the emerging global economy have the resources to support their efforts.

My experience has convinced me that the United Nations system has a key role to play in addressing the host of transborder issues that have come to the fore in recent years. In revitalizing that role, we have to look beyond the procedural or organizational aspects of reform and restructuring. For the fundamental and far-reaching changes in existing institutional arrangements and practices that may be required, the search for a broad consensus needs to be undertaken now.

IX

THE WAY we treat the new generation of global problems that now confront humanity may very well determine the quality of life for all the peoples living on the planet. Next year the United Nations will face a very important test of its capacity to meet global challenges in the Conference on Environment and Development—the first world summit conference formally mandated by the General Assembly.

The Conference will be a test of the willingness of Governments to adopt long-term policies on matters of vast significance to human well-being—even survival. It will also test the capacity of nations to cooperate in the United Nations in developing effective global strategies and in the evolution of respected—even enforceable—international law. For these strategies to work in a future that will depend more and more on public awareness and participation, the cooperation of Governments with non-governmental organizations and the private sector will also be essential. The process will further develop the capacity of the United Nations system and its ability to work as a team in response to the challenges of a rapidly changing world.

That the environment is humanity's common inheritance is now merely a platitude. But it entails a common responsibility to mount a global attack on what depletes and degrades that inheritance. Traditional patterns of industrialization and the consumption of industrial products are not the only cause. Other major ones are poverty, overpopulation and the lack of the technological or material capability for developing countries to move to environmentally sound and sustainable practices. The difficult and complex issues that have to be addressed range over a whole spectrum; effective solutions likewise will require new approaches in urban and industrial planning, technology transfer, energy consumption, to name only a few. The success of the 1992 Conference will depend primarily on the broad consensus that is reached on all major relevant issues during the preparatory stage. Mobilizing new and adequate financial resources to support sustainable development and agreement on terms for the transfer of technology

will need focused attention. The Conference should decide on built-in mechanisms for follow-up action and periodical stocktaking. The stakes are high for the entire human race.

X

THE HEALTH of the global society does not depend only on political relations and economic growth. We are witnessing grave afflictions at present that cross State or cultural frontiers and, in one way or another, defy the remedies that Governments can administer in isolation from one another. The resentments and dislocations of groups within societies, the decay of traditional structures of loyalty, discipline and emotional support—the family being the outstanding example—and the disorientation of vast numbers of individuals are among the negative consequences of rapid societal change. They manifest themselves in the plague of drug abuse and trafficking, in the thriving black market in weapons, in the taking of hostages, in the use of terror against civilian populations—indeed, in the modernization of crime. If the security of nations is to be viewed not in terms of external threats alone, if progress is to be measured not only by economic indicators and if change is to be managed from the perspective of human welfare, the social agenda of the United Nations is equal in rank with the political, economic or environmental.

In the complex battle against international drug abuse, some recent initiatives have given better definition to the Organization's functions and also aroused higher public expectations. The new United Nations International Drug Control Programme has been established in order to formulate a coherent and integrated strategy. The division of labour with regional and international institutions and partnership with Governments in drug control efforts should strengthen multilateralism when national initiatives abound but results are sadly wanting.

The upsurge and transnationalization of crime endangers the internal security of States, erodes the individual's basic freedom from fear and can also disrupt international relations. This calls for effective intergovernmental mechanisms and much stronger judicial and police cooperation among States.

Beyond addressing these two menacing problems, the global social strategy would be sadly deficient if it did not include constructive action to revive basic social institutions and to end social discrimination against the weaker members of society. The intended observance of the International Year of the Family in 1994, the development of standard rules for the equalization of opportunities for the disabled, the collaboration with non-governmental organizations in establishing principles

for the treatment of older persons, the commitment to attain equality in law and managerial practice between men and women as a basic human right—all reflect a continuity of concern with social health and justice. On the question of gender equality, which is a concern second to none, it is discouraging to observe that progress slackened during the 1980s, in large measure as a result of distracting economic and political factors. I believe that the pace can be quickened through the preparations for the Fourth World Conference on Women in 1995.

The restructuring of economic systems does not and will not by itself answer the demands of social justice and equity. Indeed, there is a serious danger that in the difficulties of transition, the social advances made in the past might not be maintained. The fundamental principles of social welfare and the provision of essential services will remain valid regardless of the configuration of economic systems. The war against hunger, disease, illiteracy and unemployment cannot be left for the market to fight. To examine the whole gamut of issues relating to social development, the Economic and Social Council has requested me to consult Governments on the possibility of convening a world summit for social development. I believe the idea is timely and would help place the human being at the centre of the development agenda.

XI

IT IS A MARK of growing human solidarity that relief of the intolerable suffering caused by disasters is now one of the major items on the international agenda. Tragically, disasters—some natural, others entirely man-made—have been more frequent in recent years. We witness spectacles of displacement, devastation and death at several points of the globe. I believe that some clarifications are necessary to prevent the issue of the international response to disasters becoming a seed-bed of controversies.

International relief efforts in emergencies caused by famine or flood, earthquake or drought are mounted at the request of the affected State or States and generally create no legal or political problems. But international action with regard to situations where a population is torn by war or oppression raises sensitive political issues, calls for early warning capacity of a different character and has to be based on a determination made by a competent organ of the United Nations. It would be unwise to put the two kinds of emergencies in the same conceptual basket, even though the actual operations may on occasion assume a similar physical or logistical shape. For this reason, it is hard to visualize a unified system of emergency relief that would be automatically triggered by situations that, between themselves, are wholly disparate.

There is, of course, no question that the incidence and magnitude of humanitarian emergencies of all types calls for mechanisms of greater coordination of the various agencies and the enhancement of their early warning capacities. But even these mechanisms, no matter how well designed, will be of little avail without enhanced stand-by arrangements, which, in turn, cannot be put in place by the United Nations lacking a prior earmarking by Governments of substantial necessary resources. I intend to make a detailed report later on this subject and I trust that it will be considered by Governments at the highest policy-making level.

In this context, a reminder has been rendered necessary by the experience gained in addressing the humanitarian emergency that occasioned Security Council resolution 688 (1991). The Secretary-General cannot be expected to use powers that are not vested in him and deploy resources that are not available. For large-scale field operations, the Secretariat needs clear mandates, with assured financing, in accordance with the provisions of the Charter and under established procedures.

XII

AS THE FOREGOING makes clear, the United Nations is now entering uncharted territories and undertaking tasks of a kind unforeseen in its original design. This prompts an examination of its executive organ, that is, the Secretariat.

I shall describe later the strains on the administrative machinery. Despite all those strains, however, it should be a matter of gratification to the entire membership—as, for me, it is a cause for enduring satisfaction—that, at no stage, has the Secretariat failed to respond effectively to challenge. This is a tribute to the commitment and ability of all those involved in the planning, deployment, operation and administration of the great variety of field missions and also to the dedication of the staff at Headquarters. For myself, I am grateful for the exemplary cooperation and understanding—enhanced this year—between the Secretariat and the different bodies representing Governments.

Considering the unique nature of the Secretariat's tasks, it would be unfair to expect that it would escape criticism; some of that has been thoughtful and refreshing. However, the judgements sometimes made from one vantage point have ignored the fact that the Secretariat has to answer the priorities and preferences, not of one group of States but of all. Being multilingual and multinational, it is unlike any other administrative set-up in the world and cannot be run as the foreign ministries of Governments are. Its heterogeneous composition, as much as the variety of its mandates, demands cohesive and integrated control

at the top. That kind of control can be eroded if there is excessive interference from outside.

In this context, a standing problem to which I drew attention in my annual report in 1984 is that there sometimes seems to be a blurred perception of the exact delimitation of functions between the Secretariat, headed by the Secretary-General, and the other principal organs. Article 101 of the Charter empowers the General Assembly to establish regulations for the appointment of the staff. Regulations, however, should mean broad guidelines under principles set out in the Charter and not detailed or rigid directives that can only upset operational efficiency and dilute the authority of the Secretary-General. Judicious use of funds is naturally a matter of concern to all Member States, particularly the principal contributors. However, beyond the legislative responsibility of scrutinizing expenditures and ensuring as wide a geographical basis for recruiting the staff as possible, the management of the Secretariat needs to be left in the hands of the chief administrative officer. To secure efficiency, he needs the freedom to define the different spheres of responsibility, to allocate staff according to need and to reward merit and performance. Over-legislation itself can cause strains that are wholly avoidable.

The time seems to have come to examine afresh the conditions in which increasingly varied and complex mandates are entrusted to the Secretariat.

In the first place, it is hardly comprehensible that Governments impose far-reaching and costly responsibilities on the Organization, as they judge they must, but are themselves unwilling to fulfil corresponding financial obligations. Voluntary contributions, however welcome and generous they may be, cannot reliably fill the gap. This places the Secretary-General in an often intolerable situation, as I have stated time and again during my period in office. Under the Charter, it is a legal duty of Member States to pay their assessed contributions. By improved mechanisms, payments must be made on time and in full if the Secretariat is to retain the capability of responding, on behalf of the membership as a whole, to the pressing tasks required of it. At the time of writing this report, the level of outstanding contributions to the regular budget was $809,445,015, and only 49 Member States had fully paid their annual contributions. Peace-keeping assessments unpaid by Governments amounted to $486,994,618. It can thus be seen that the financial crisis of the Organization is still not over. I trust that, along with enlarging the Organization's role by their own decisions, Governments will revise their approach to funding the vital and far-reaching tasks they request the Secretariat to perform.

Furthermore, constrained as the Secretariat is by zero-growth budgets, it would at first sight appear necessary that Governments prio-

oritize the mandates conferred upon the Organization. Since, however, this is difficult in practice, some flexibility has to be left within its budgets for redeployment, in the light of the demands of changing situations, of existing resources on a discretionary basis. At present, there is virtually no such flexibility. Difficulties are aggravated by divergent decisions coming from the different legislative bodies, as happened several times this year.

All this becomes stranger if it is borne in mind that the proportion of national budgets that Governments devote to the United Nations is minuscule compared with their military outlays; indeed, by any reckoning, resources devoted to the Organization constitute an extremely economical investment for Governments.

There is an urgency to replenish, increase and maintain the Working Capital Fund and the Special Account, both of which are gravely depleted. Member States may also wish to consider the establishment of a strategic reserve fund specifically designed to meet the costs arising from unanticipated pressures upon scarce resources. Had such a fund been available in the past year, the Organization might not have become a mendicant as it did in order to secure, at very short notice, sizeable resources so as to undertake urgent and unexpected tasks. Alternatively, perhaps the time has come again to consider permitting the Organization to borrow, since such a facility could help to provide the necessary flexibility in unanticipated contingencies.

The staff retrenchment called for by the General Assembly at its forty-first session was completed in 1990. This year, the pace at which the Organization has had to deploy new complex field missions, most of which require innovative work, has so quickened as to stretch the already slender human resources dedicated to such operations almost to breaking-point. While a number of missions have been successfully staffed, staffing pressures have become acute in certain areas and some existing programmes have been maintained only with extreme difficulty. The strain on the personnel, both at Headquarters and in the field, should be easily imaginable.

The staff is our most important asset and the Secretariat must be enabled to maintain the appropriate conditions of service if it is to attract and retain the kind of talent required to meet extraordinary challenges. Unfortunately, those conditions have deteriorated steadily. It is ironical that, on the one hand, complaints are heard about the high salary scales within the Secretariat and, on the other, some Governments find it necessary to pay subsidies to their nationals in order to induce them to serve on the staff. The result of this as well as certain aspects of the practice of secondments, now fortunately being reviewed, has been to create anomalies that demoralize the staff. I hope that Governments

will realize that the present situation must be corrected for it hinders the realization of the objectives they have jointly laid for the Secretariat.

The present juncture suggests taking a fresh, searching look at our structures and the way in which the Organization is engineered and equipped to handle new demands. The United Nations and its system of allied agencies are now 45 years old and were established in a very different era. Vast changes in human society and human needs have occurred since 1945. The Organization's membership has itself more than tripled. It is only natural, therefore, that the structures of the Organization and the system now need to be overhauled in the light of current and foreseeable challenges.

Many of the constraints due to the cold war, which made it impossible in previous years to reorganize and update the Secretariat, are now vanishing. The workload of the Secretariat has also vastly increased and diversified, and its responsibilities become greater every year. It is clearly essential to introduce further reforms to allow the Secretariat to respond to changing circumstances.

An inspection of the anatomy of the Organization cannot be a substitute for its real work. Devising new organizational charts for the Secretariat and rearranging the number and disposition of high-level posts and departments can certainly be of value, provided it is remembered that there cannot be a credible way of strengthening the Secretariat by weakening the authority of the Secretary-General. In the long term, it is far more important to deal with the fundamental difficulties facing the Secretariat and the United Nations system, for only then would the reforms be real and their objectives served. Some useful discussions are taking place both within and outside the Organization on these matters and the idea of a "unitary United Nations" has also been floated. I believe that some of the issues involved are of a fundamental nature and require thought of the same depth and scope as was devoted to the formulation of the mandates of the United Nations, its programmes and the specialized agencies at the time of their establishment. At that time, the different global problems and issues were not viewed as being as interconnected as they are now. I would, therefore, suggest that a serious and well-organized process of analysis and consultation be initiated, in which Governments can outline their priorities, and the Secretary-General, as the senior manager of the Organization, can discuss with them and with his colleagues in the United Nations system the most effective ways and means of achieving the desired objectives. These would relate to the future shape and structure of the Secretariat, the United Nations system and the related intergovernmental bodies. The aim should be a more effective fulfilment of the purposes of the Charter in the interest of the global society that is rapidly evolving now.

XIII

EARLIER IN THIS report, I mentioned the two nagging doubts about the Organization's will and the Secretariat's efficiency, which have now been allayed. There is, however, a larger question that should continue to occupy our minds: whether, by its decisions and actions, the United Nations inspires and retains the trust of peoples across all cultures and continents. To try to answer this question from the perspective of one group of nations, dismissing that of another, would betray either complacency or undue suspicion. There are nations that have reason to be satisfied with the status quo, relying on the dynamics of power or economics, and there are nations with deep grievances, political or economic, which ask to be redressed. Any view of the implementation of the principles of the Charter of the United Nations that reflects the interests and outlook of one group of nations and is imperceptive of those of another is bound to prove divisive.

Closely related to this is the question whether the balance between the principal organs, including the General Assembly, the Security Council and the Secretariat, envisaged in the Charter is being consistently maintained. This, I would submit, is not merely an issue of the internal working of the Organization; it bears on the guardianship of peace exercised by the United Nations. The action relating to the Iraq-Kuwait situation this year has made it timely to express the hope that the unity of the permanent members of the Security Council will be complemented by a balanced constitutional relationship within and between the various principal organs. Moreover, it is important to preserve the political *acquis* that the office of the Secretary-General has accumulated over 45 years. It is an essential asset built as much on an incumbent's personal impartiality, tact and sensitivity as on the integrity of the international civil service that provides the base for his functions.

Two years ago, in my annual report in 1989, I said that agreement among the permanent members must carry with it the willing support of a majority of nations if it is to facilitate movement towards a better and a saner world. Events since then have lent emphasis to that observation.

In this time of massive transition, extraordinary care needs to be taken against disequilibrium in the management of international affairs by the United Nations. The traditional concept of balance of power can hardly be invoked in a situation in which economic and technological capability and its uneven distribution have become critical, often decisive, factors. For the quality of peace built through the United Nations, the necessary balance can be provided only by consistent adherence to the principles articulated in the Charter of the United Nations.

These principles are by no means frozen; their scope and the manner of their application is determined by changing global conditions. It should be the purpose of the international discourse constantly to develop shared understandings not only of the standards of acceptable international behaviour but also of the procedures to be employed for upholding them and correcting their infractions. A rigid interpretation that fails to take human realities into account would ossify international law and diminish its contemporary relevance. To an equal extent, loose interpretations would create disorder. As the era unfolding now displays the opposite qualities of fusion and fission, we need constantly to hark back to basic principles like that of respecting the territorial integrity and political independence of States. We have little ground to expect that States and societies will escape internal turbulence but we have every reason not to allow that turbulence to imperil international peace and security.

The Charter of the United Nations furnishes guidance that remains timely even in conditions its framers could not have anticipated. We cannot, of course, regard the Charter as immutable. Some of its provisions, for example the composition of the Security Council, have already come under questioning. But it is the only multilateral treaty of its nature and scope that has been accepted by, and is binding on, all States and any revisions in it except on the basis of genuine consensus will create more problems than they will solve. The facilitation of peaceful and constructive change, not the perpetuation of the status quo, will remain the United Nations principal concern.

XIV

AS MY TERM of office will soon come to an end, I may be forgiven if I share with Member States some feelings relating to the experience. I have been associated with the Organization for some two decades in various capacities. It has been my privilege to serve it as Secretary-General during what are generally regarded as some of its most productive years. Throughout this latter period, I have felt impelled more to dwell on problems that are still to be resolved than to muse on accomplishments. A Panglossian frame of mind is hardly appropriate for the United Nations. The present report too suggests initiatives to overcome serious difficulties in averting conflicts, eradicating poverty and protecting human rights.

None of these difficulties, however, diminishes from the metamorphosis of the United Nations. I believe that the change which the United Nations has channelized has not been fortuitous. The radical shift in political perceptions testifies to the resilience of the human spirit. The

United Nations, to the best of its capabilities, is helping to give it concrete shape.

Peace has won victories on several fronts. Many a people have been released from the agonies of strife. The process is capable of extension to other areas. New vistas are opening for States to work together in a manner they did not do before. The earlier posture of aloofness and reserve towards the Organization has been replaced by more ardent participation in its endeavours. An era of law and justice may not be around the corner but the United Nations has defined the direction. If dynamic efforts are made, obstacles in the way may no longer prove insuperable. Today there are far more solid grounds for hope than there are reasons for frustration and fear.

The hope arises both from the enduring relevance of the philosophy of the Charter and from the vastly strengthened credentials of the Organization. My credo is anchored in that philosophy and it will remain so. With its return from the doldrums, and with its role no longer peripheral, the United Nations has come nearer to the vision of its Charter. Everyone who contributed to the process is entitled to a measure of exultation and I, for my part, to a feeling of fulfilment. I profoundly appreciate the confidence placed in me through this testing phase of international affairs. I close on that note of faith and gratitude.

Javier PEREZ DE CUELLAR
Secretary-General

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